

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**MATTHEW J. OLEJKOWSKI, :**

**Plaintiff : CIVIL ACTION NO. 3:14-1666**

**v. : (JUDGE MANNION)**

**CAROLYN W. COLVIN, :**

**Defendant :**

**MEMORANDUM**

Pending before the court is the report of Magistrate Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's social security disability insurance be vacated and the case be remanded to the Commissioner to develop the record fully, conduct a new administrative hearing and appropriately evaluate the evidence in accordance with the report. (Doc. [15](#)). The defendant has waived her opportunity to object to Judge Cohn's report and recommendation, (Doc. 16), and, with the deadline to do so having passed, the plaintiff has not filed any objections.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Cohn for vacating the Commissioner's decision and remanding the instant action for further proceedings. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: March 29, 2016**

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